

• • R E M A R K S • •

The Official Action of October 21, 2002 has been thoroughly studied. Accordingly, the changes presented herein for the application, considered together with the following remarks, are believed to be sufficient to place the application into condition for allowance.

By the present amendment, claims 1-4 have been carefully reviewed and amended to be in proper form and to avoid the antecedent basis problems noted by the Examiner.

In addition, independent claim 1 has been changed to recite that the first elasticized zones extend in the waist-encircling direction between each of the joined side edges of the front and rear waist-encircling regions and an adjacent side edge of the liquid absorbent core; and that the second elasticized zone traverses a width of the liquid absorbent core and extends in the waist-encircling direction between opposite side edges of the liquid absorbent core.

Independent claim 1 has further been changed to recite that the first and second elasticized zones are adjacent to one another in the waist-encircling direction.

These changes to claim 1 emphasize the location and orientation of the first and second elasticized zones.

Support for the limitations added to claim 1 can be readily found in Fig. 2 which depicts the first elasticized zones E1 as being on either longitudinal side of the second elasticized zones E2.

Care has been taken to avoid including any new matter in the claims.

Entry of the changes to the claims is respectfully requested.

Claims 1-4 are pending in this application.

On page 2 of the Official Action the Examiner rejected claims 1-4 under 35 U.S.C. §112, second paragraph.

Under this rejection the Examiner noted several phrases in the claims that lacked sufficient antecedent bases. In addition, the Examiner noted that the claims were generally narrative and indefinite and failed to conform to current U.S. practice. The Examiner indicated that the claims appeared to be a literal translation into English of a foreign document and were replete with grammatical and idiomatic errors.

In response to the rejection of claims 1-4 under 35 U.S.C. §112, second paragraph and in particular response to the Examiner's comments, claims 1-4 have been carefully reviewed and amended to fully comply with U.S. patent practice and to be in proper form and to avoid the antecedent basis problem noted by the Examiner.

Claims 1-3 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,749,865 to Yamamoto et al.

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Yamamoto et al.

For the reasons set forth below, it is submitted that all of the pending claims are allowable over Yamamoto et al. and therefore, the outstanding rejections of the claims based upon this reference should properly be withdrawn.

Favorable reconsideration by the Examiner is earnestly solicited.

The Examiner has relied upon Yamamoto et al. as disclosing a disposable pull-on undergarment that comprises a liquid pervious topsheet 10, a liquid impervious backsheet 11, a liquid absorbent core 12, front and rear waist-encircling regions 17 and 18, a crotch region 19, a waist opening 21, and a pair of leg openings 22.

The Examiner notes that the front and rear waist-encircling regions 17 and 18 of Yamamoto et al. comprises a first elasticized zone 28a and a second elasticized zone 28b, and that the tensile stress of the first elasticized zone 28a is greater than the second elasticized zone 28b, as described in column 3, line 60 through column 4, line 15.

At column 3, lines 25-29 Yamamoto et al. teach that:

Each of the front and rear waist stretchable regions 24a or 24b comprises upper, intermediate and lower stretchable subregions 28a, 28b, 28c respectively dimensioned to have their widths substantially equal to 1/3 of the front or rear waist stretchable region 24a or 24b.

As the Examiner will note these subregions 28a, 28b and 28c (relied upon by the Examiner as applicants' claimed first and second elasticized zones) are adjacent one another in the longitudinal direction of the pants.

Applicants' claims require the first and second elasticized zones to be adjacent to one another in the waist-encircling direction, which is completely difference from Yamamoto et al.

Accordingly, applicants' invention is structurally different from Yamamoto et al.

As discussed in the *Background of the Invention* section, Yamamoto et al. is concerned with preventing a problem that occurs when circumferentially aligned elastic members slip down below an apex of a wearer's belly. To address and correct this problem, Yamamoto et al. provides for elasticized subregions having different strengths which extend circumferentially one above or below the other.

In contrast to Yamamoto et al., the present invention reduces local exertion of pressure on the waist of a wearer of the undergarment by providing elasticized zones with different tensile strengths that vary along the circumferential or waist-encircling direction of the garment.

It is thus submitted that the present invention is both structurally and functionally different and distinct from Yamamoto et al.

Based upon the above distinctions between Yamamoto et al. and the present invention, and the overall teachings of Yamamoto et al., properly considered as a whole, it is respectfully submitted that the Examiner cannot rely upon Yamamoto et al. as required under 35 U.S.C. §102 as anticipating applicants' claimed invention. Moreover, the Examiner cannot properly rely upon Yamamoto et al. under 35 U.S.C. §103 to establish a *prima facie* case of obviousness of applicants' claimed invention.

It is, therefore, submitted that any reliance upon Yamamoto et al. would be improper inasmuch as this reference does not remotely anticipate, teach, suggest or render obvious the present invention.

It is submitted that the claims, as now amended, and the discussion contained herein clearly show that the claimed invention is novel and neither anticipated nor obvious over the teachings of Yamamoto et al. and the outstanding prior art rejections of the claims should hence be withdrawn.

Therefore, reconsideration and withdrawal of the outstanding rejection of the claims and an early allowance of the claims is believed to be in order.

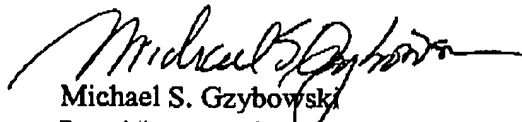
It is believed that the above represents a complete response to the Official Action and reconsideration is requested.

The prior art cited but not relied upon by the Examiner on page 5 of the Official Action has been noted. This prior art is not believed to be particularly relevant to applicants' claimed invention.

If upon consideration of the above, the Examiner should feel that there remain outstanding issues in the present application that could be resolved, the Examiner is invited to contact applicants' patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 12-2136 and please credit any excess fees to such deposit account.

Respectfully submitted,



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Marked-Up Copy of the Claims
As Amended on February --, 2002

1. (Amended) A disposable pull-on undergarment which comprises:

- a liquid pervious top [sheet,] sheet;
- a liquid impervious back sheet; [and]
- an liquid absorbent core interposed between the top and back sheets; [and includes]
- front and rear waist-encircling regions opposed to each [other,] other and having
longitudinal side edges that are joined together, at least one of said front and rear waist-encircling
regions being elastically contractible in a waist-encircling direction;
- a crotch region positioned between the front and rear waist-encircling [regions, and]
regions;
- a waist-encircling opening; and
- a pair of leg-encircling openings, [defined by joining respective longitudinal sides edges
- of the front and rear waist-encircling regions, with at least one of the front and rear waist-
encircling regions being rendered elastically contractible in a waist-encircling direction;]
- said [undergarment which further comprises the] front and rear waist-encircling regions
- each [having] comprising:
- [a] first elasticized [zone] zones which [extends] extend in the waist-encircling
- direction [from] between each of the joined [opposite longitudinal] side edges of the [region]
- front and rear waist-encircling regions and an adjacent [toward the vicinities of opposite] side
- [edges] edge of the [core,] liquid absorbent core; and

a second elasticized zone which traverses a width of the liquid absorbent core [to extend] and extends in the waist-encircling direction between [the vicinities of] opposite side edges of the [core;] liquid absorbent core, [and tensile stress of]

the first and second elasticized zones being adjacent to one another in the waist-encircling direction and the first elasticized [zone being] zones having a tensile stress that is greater than [that] a tensile stress of the second elasticized zone.

2. (Amended) The disposable pull-on undergarment of Claim 1, [wherein said] further comprising:

waist elastic members extending in the waist-encircling direction that are attached in an extended condition to an edge portion of the waist-encircling [opening,] opening; and

a plurality of auxiliary elastic members spaced longitudinally apart from each other [by a specific distance] and extending in the waist-encircling direction in the first and second elasticized zones, said plurality of auxiliary elastic members being [are] attached in an extended condition to a location between the waist elastic members and the edge portions of the leg-encircling openings, [and the]

a tensile stress of the auxiliary elastic members [is] being greater in the first elasticized [zone] zones than in the second elasticized zone.

3. (Amended) The disposable pull-on undergarment of Claim 1, [wherein said] further comprising:

waist elastic members extending in the waist-encircling direction that are attached in an

extended condition to an edge portion of the waist-encircling [opening,] opening;

a plurality of first auxiliary elastic members spaced longitudinally apart from each other [by a specific distance] and extending in the waist-encircling direction in the first and second elasticized zones, which plurality of first auxiliary elastic members are attached in an extended condition to a location intermediate between the waist elastic members and the edge portions of the leg-encircling [openings,] openings; and

a plurality of second auxiliary elastic members spaced longitudinally apart from each other [by a specific distance] and extending in the waist-encircling direction in the first elasticized [zone] zones that are attached in an extended condition to a location intermediate between the waist elastic members and the edge portions of the leg-encircling openings, [and]

a tensile stress of the first auxiliary elastic members [is] being smaller than or equal to [that] a tensile stress of the second auxiliary elastic members.

4. (Amended) The disposable pull-on undergarment of Claim 1, wherein said first elasticized [zone] zones when extended to a maximum extent [exhibits] exhibit an extension stress in a range of 0.2 [-] to 2.0 N/25 mm and said second elasticized zone when extended to a maximum extent exhibits an extension stress in a range of 0.1 [-] to 0.6 N/25 mm.